ssm

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 832 OF 1993

The State of Maharashtra ...Appellant.

Vs.

Pandurang Kathod Kotkar & Ors. ...Respondents.

Mrs. G.P.Mulekar, AGP for the State.

Mr. K.N.Kore for the respondents.

CORAM : ANOOP V. MOHTA,J.
DATED : 28th September, 2007

ORAL JUDGMENT:-

1. The State first appeal is arising out of the grant of compensation in a land acquisition proceedings initiated for formation of so called Satellite city known as "New Bombay". About 86 villages from Thane, Panvel and Uran Talukas were proposed by the Government in order to offer the same to CIDCO to construct residential quarters and commercial establishments from village Airawili. The notification under Section 4(1) is dated 15/01/1960 and under Section 6 notification is dated 11/01/1972. Considering the facts and circumstances such as quality of the land, the frontage and the sale instances, the SLAO awarded compensation at the rate

of Rs. 4.30 and Rs.4.50 per square ft.

2. Being aggrieved by the compensation received, the claimants filed separate application before the Land Acquisition Officer for references. All the references were accordingly, heard and disposed of on identical issues framed in all these references. By impugned order dated 28/12/1992, the reference Court enhanced and grant the compensation at the Rate of Rs.10/- per square meter, and therefore, the challenge by the State.

3. In all other connected matters, arising out of the Land Acquisition Proceedings for the New Bombay City basically nearby village, this Court in First Appeal No. 813/1993 and others decided on 26/10/2005 by Hon'ble Mr. D.G.Deshpande, J. and subsequent in the First Appeal No. 503 of 1992 decided on 21st December, 2005 alongwith other matters as dismissed the state appeal by observing as under:-

> "2. Heard the learned counsel appearing for the parties. Both the parties fairly pointed out the judgment passed by this Court in identically placed and situated land acquisition references arising out of the same dispute and of adjacent villages, whereby the judgment dated 26th October, 2005 passed by Shri D.G.Deshpande, J. in

First Appeal No. 813 of 1993 and Others, it has been observed as under:-

> 3. "So far as all the appeals are concerned, they are arising out of land acquisition proceedings from village Kopar Khairane. The reference Court awarded compensation at the rate of Rs.10/- per Sq.Mtr. in all these cases for the acquired lands. many matters from village Kopar Khairane were decided by this Court and Rs.10/- per Sq.Mtr. is the proper rate of compensation, even the case of enhancement is made out. Therefore, there is no substance in all these appeals. Hence all the appeals are dismissed. No order as to costs in all the appeals."

4. In view of this, the present appeal is dismissed. Above observations are applicable in these matters also.

6. Certified copy expedited.

(ANOOP V. MOHTA, J.)